

09/720215
Patent

Attorney's Docket No. 012627-019



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Annemarie Poustka et al

Serial No.: 09/720,215

Filed: December 22, 2000

For: Modularly Constructed RNA
Molecules Having Two Sequence
Region Types

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

ATTENTION: BOX SEQUENCE

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Notification of Missing Requirements Under 35 U.S.C.
371 dated May 11, 2001, enclosed please find:

- [X] A copy of the "Sequence Listing" in computer readable form in compliance with
37 C.F.R. §§1.823(b) and 1.824.
- [X] A statement that the content of the paper and computer readable copies are the
same as set forth in 37 C.F.R. §1.821(f).

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R.
§§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit
Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

1737 King Street, Suite 500
Alexandria, VA 22314-2756
(703) 836-6620

Date: 7/11/01

By

Teresa Stanek Rea
Registration No. 30,427

101 Rec'd PCT/PTO 11 JUL 2001
Patent
Attorney's Docket No. 012627-019
09/720215

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

Annemarie POUSTKA et al.

Application No.: 09/720,215

Filing Date: December 22, 2000

For: MODULARLY CONSTRUCTED RNA
MOLECULES HAVING TWO
SEQUENCE REGION TYPES

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) Group Art Unit: Unassigned
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) Examiner: Unassigned
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)

RESPONSE TO MISSING REQUIREMENTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

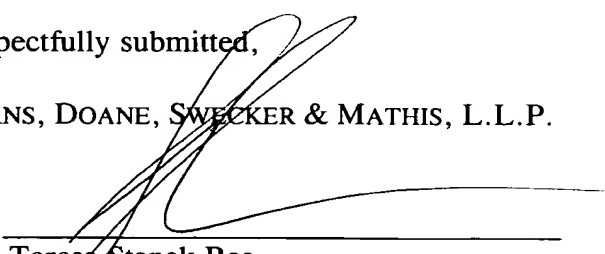
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the U.S. Designated/Elected Offices (DO/EO/US) issued May 11, 2001, in connection with the above-captioned application, Applicants advise that the executed Combined Declaration for Patent Application and Power of Attorney, was submitted to the U.S. Patent and Trademark Office on May 2, 2001. A copy of this submission is attached for the convenience of the Office.

Should the Examiner have any questions concerning the subject application, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:


Teresa Stanek Rea
Registration No. 30,427

P.O. Box 1404
Alexandria, VA 22313-1404
(703) 836-6620
Date: July 11, 2001

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

012627-019

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/720,215

INTERNATIONAL APPLICATION NO.
PCT/DE99/01867

INTERNATIONAL FILING DATE
25 June 1999

PRIORITY DATE CLAIMED
26 June 1998

TITLE OF INVENTION

MODULARLY CONSTRUCTED RNA MOLECULES HAVING TWO SEQUENCE REGION TYPES

APPLICANT(S) FOR DO/EO/US

Annemarie POUSTKE; Johannes COY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

COPY

5-2-01

17. ☒ The following fees are submitted:

CALCULATIONS

PTO USE ONLY

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1,000.00 (960)

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$860.00 (970)

International preliminary examination fee (37 CFR 1.482) not paid to USPTO
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 (958)

International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 (956)

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 (962)

COPY

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 (154) for furnishing the oath or declaration later than
months from the earliest claimed priority date (37 CFR 1.492(a)).20 ☐ 30 ☐

\$ 130.00

Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =		X\$18.00 (966)	\$	
Independent Claims	-3 =		X\$80.00 (964)	\$	
Multiple dependent claim(s) (if applicable)			+ \$270.00 (968)	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
Reduction for 1/2 for filing by small entity, if applicable (see below).				\$	65.00
SUBTOTAL =				\$	65.00
Processing fee of \$130.00 (156) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
				+	
TOTAL NATIONAL FEE =				\$	65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (581) per property +				\$	
TOTAL FEES ENCLOSED =				\$	6.00
				Amount to be: refunded	\$
				charged	\$

- a. ☒ Small entity status is hereby claimed.
- b. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed.
- c. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Teresa Stanek Rea
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

SIGNATURE

Teresa Stanek Rea

NAME

30,427

REGISTRATION NUMBER



UNITED STATES PATENT AND TRADEMARK OFFICE

09/720215

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

09/720,215

FIRST NAMED APPLICANT

POUSTKA

ATTY. DOCKET NO.

A

012627-019

INTERNATIONAL APPLICATION NO.

PCT/DE99/01867

I.A. FILING DATE

PRIORITY DATE

06/25/99

06/26/98

DATE MAILED:

05/11/01

TERESA STANEK REA
BURNS DOANE SWECKER & MATHIS
PO BOX 1404
ALEXANDRIA VA 22313-1404

5611

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Kaya Baltimore
National Stage Process

Telephone:

(703) 305-3695



UNITED STATES PATENT AND TRADEMARK OFFICE

09/720215

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO. 215

FIRST NAMED APPLICANT

ATTY. DOCKET NO. 012627-019

5611

INTERNATIONAL APPLICATION NO. 01867

TERESA STANEK REA
BURNS DOANE SWECKER & MATHIS
PO BOX 1404
ALEXANDRIA VA 22313-1404

I.A. FILING DATE

PRIORITY DATE

06/25/99 06/26/98
05/11/01

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant of the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
 - ☒ Copy of the international application.
 - ☐ Oath or Declaration of inventors(s).
 - ☐ Copy of Article 19 amendments.
 - ☐ Priority Document.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☐ Indication of Small Entity Status.
 - ☐ Translation of the international application into English.
 - ☐ Translation of Article 19 amendments into English.
 - ☐ Other:
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
 - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☒ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Telephone:

Kaya Baltimore

National Stage Process

(703) 305-3695

Declaration/sequence listing

Date 7/11/01

Huber & Schussl
012627-019

RECEIVED

MAY 15 2001

5-16-01